

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (currently amended) A method for content transmission network selection comprising the steps of:

identifying content to be transmitted based on at least one transmission request;

determining whether to transmit the content using a broadcast network or a broadband network based upon ~~at least one of the following:~~ characteristics of the transmission request, ~~characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network;~~ and

transmitting the content on one of the broadcast network or broadband network.

Q' 2. (original) A method as in claim 1, wherein the step of identifying content to be transmitted based on at least one transmission request comprises the steps of:

transmitting a list of available content items over a broadband network; and

receiving from a broadband network requests for content items.

3. (currently amended) A method as in claim ~~[[1]]~~ 22, wherein said step of determining whether to transmit the content using a broadcast network or a broadband network comprises the steps of:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over a broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadcast network.

4. (original) A method as in claim 3, wherein said step of determining whether there is sufficient available bandwidth in the broadcast network to transmit the content comprises the steps of:

determining the available bandwidth in the broadcast network;

determining the minimum transfer rate for the content;

Q' determining whether the minimum transfer rate for the content exceeds the available bandwidth in the broadcast network;

if the minimum transfer rate for the content exceeds the available bandwidth in the broadcast network, then determining that there is not sufficient available bandwidth in the broadcast network to transmit the content; and

if the minimum transfer rate for the content does not exceed the available bandwidth in the broadcast network, then determining that there is sufficient available bandwidth in the broadcast network to transmit the content.

5. (original) A method as in claim 3, wherein said step of determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network comprises the steps of:

determining a cost of transmission per unit of data over the broadband and broadcast networks;

determining the total number of units of data in the content; and

determining if the product of the total number of units of data in the content and cost of transmission per unit of unit of data over the broadcast network exceeds the product of the total number of units of data in the content and cost of transmission per unit of data over the broadband network.

6. (original) A method as in claim 1, wherein said broadcast network comprises one of a direct to home satellite network, a terrestrial wireless network, and a cable network.

7. (original) A method as in claim 1, wherein said broadband network comprises one of a digital subscriber line network and a cable network.

8. (original) A method as in claim 1, wherein said characteristics of the transmission request comprise at least one of the geographic location to which the content is to be transmitted, the time at which the content is requested to be viewed, and a dollar amount the viewer is willing to pay for the content.

Q' 9. (currently amended) A method as in claim ~~[[1]]~~ 22, wherein said characteristics of the content to be transmitted comprise at least one of the following: size of the content, duration of the content, the total number of requests for the content, and the minimum transmission rate on a given network for the content.

10. (currently amended) A method as in claim ~~[[1]]~~ 22, wherein said characteristics of the broadcast network comprise at least one of the available bandwidth on the network, the geographic boundaries of the network, and the cost of transmission at a given time of day on the network.

11. (currently amended) A method as in claim ~~[[1]]~~ 22, wherein said characteristics of the broadband network comprises of at least one of the following: available bandwidth on the network, geographic boundaries of the network; and cost of transmission at a given time of day on the network.

12. (original) A method as in claim 1, further comprising the step of transmitting over a broadcast network a notification of the transmission characteristics.

13. (original) A method as in claim 12, wherein said transmission characteristics comprise at least one of the following: time of transmission and transmission network

14. (original) A method as in claim 1, wherein said step of transmitting the content on one of the broadcast network or broadband network comprises transmitting the content on

one of the broadcast network or broadband network at a time prior to the time at which the content is requested to be viewed.

15. (original) A method as in claim 1, wherein said step of transmitting the content on one of the broadcast network or broadband network comprises transmitting the content on one of the broadcast network or broadband network at the time at which the content is requested to be viewed.

16. (currently amended) A computer readable medium having stored thereon computer readable instructions for performing the following steps:

identifying content to be transmitted based on at least one transmission request;

determining whether to transmit the content using a broadcast network or a broadband network based upon ~~at least one of the following:~~ characteristics of the transmission request, ~~characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network;~~ and

transmitting the content on one of the broadcast network or broadband network.

17. (currently amended) The computer readable medium of claim ~~[[16]]~~ 23, wherein said instructions for performing the step of determining whether to transmit the content using a broadcast network or a broadband network comprise instructions for performing the following steps:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over a broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadcast network.

18. (original) The computer readable medium of claim 16 having stored thereon computer readable instructions for further performing the step of transmitting over a broadcast network a notification of the transmission characteristics.

19. (currently amended) A system for content transmission network selection comprising:

a processor operative to execute computer executable instructions; and
memory having stored therein computer executable instructions for performing the following steps:

identifying content to be transmitted based on at least one transmission request;

determining whether to transmit the content using a broadcast network or a broadband network based upon ~~at least one of the following:~~ characteristics of the transmission request, ~~characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network;~~ and

transmitting the content on one of the broadcast network or broadband network.

20. (currently amended) The system of claim ~~[[19]]~~ 24, wherein said computer executable instructions for performing the step of determining whether to transmit the content using a broadcast network or a broadband network comprise computer executable instructions for performing the following steps:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over a broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadcast network.

Q' 21. (original) The system of claim 19, wherein said memory has stored therein computer executable instructions for further performing the step of transmitting over a broadcast network a notification of the transmission characteristics.

22. (new) The method of claim 1, comprising determining whether to transmit the content using a broadcast network or a broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.

23. (new) The computer readable medium of claim 16, comprising computer readable instructions for determining whether to transmit the content using a broadcast network or a broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.

24. (new) The system of claim 19, comprising computer executable instructions for determining whether to transmit the content using a broadcast network or a broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.